

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Charles Ellis,
Petitioner

v.

Case No. 09-cv-276-SM

New Hampshire Department
of Corrections, Commissioner,
Respondent

ORDER


I herewith approve the Report and Recommendation of Magistrate Judge Muirhead dated September 14, 2009, no objection having been filed, for the reasons set forth therein. Petitioner's claims based solely on the State Constitution, or State evidentiary rules, are hereby dismissed. Petitioner's remaining Claims I through IV may not proceed until the petitioner has demonstrated that the exhaustion requirement has been satisfied for each claim.

This case has been stayed since September 22, 2009, while the petitioner returns to state court to exhaust his federal claims. This case shall be administratively closed while the stay is in effect. Petitioner is reminded to file a status report every January 1 and July 1 to notify this court of his progress in the

state court. The Court should, of course, immediately be notified upon ultimate resolution of the issues.

SO ORDERED.

October 30, 2009


Steven J. McAuliffe
Chief Judge

cc: Charles Ellis, pro se